BURSOR FISHER

888 SEVENTH AVENUE THIRD FLOOR NEW YORK, NY 10019 www.bursor.com YITZCHAK KOPEL Tel: 646.837.7150 Fax: 212.989.9163 ykopel@bursor.com

September 17, 2020

By ECF & Email:

The Honorable Analisa Torres United States District Court for the Southern District of New York 500 Pearl Street New York, New York 10007

Re: Brown v. Western Digital Corp., Case No. 1:20-cv-04624-AT (S.D.N.Y.)
Statement of Jurisdiction Pursuant to Individual Rule II.B

Dear Judge Torres:

Pursuant to this Court's Individual Rule II.B, Plaintiff Oscar Brown submits this letter explaining the basis for jurisdiction under 28 U.S.C. § 1332.

Plaintiff has brought the above action as a putative class action under Fed. R. Civ. P. 23. 28 U.S.C. § 1332(d)(2) holds:

- (2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which—
 - (A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

Here, Plaintiff Oscar Brown is a citizen of New York, and Defendant Western Digital Corporation is a corporation incorporated under the laws of Delaware with its principle place of business in California. Compl. ¶¶ 29-30. Accordingly, at least one member of the putative class is "a citizen of a State different from" Defendant. 28 U.S.C. § 1332(d)(2)(A).

In addition, the total amount in controversy in this action "exceeds the sum or value of \$5,000,000." 28 U.S.C. § 1332(d)(2). Defendant is one of the largest hard drive manufacturers in the United States. Compl. ¶ 16. Upon information and belief, Defendant has sold thousands of the hard drives in question, with each hard drive being priced near \$100. Further, Plaintiff has alleged violations of New York General Business Law ("GBL") §§ 349 and 350, which award total statutory damages of \$550 per violation. Accordingly, Plaintiff has a good faith basis to believe that damages in this case exceed \$5 million.

Thus, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. \S 1332(d)(2).

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Yitzchak Kopel
Yitzchak Kopel
Alec M. Leslie
Max S. Roberts
888 Seventh Avenue, Third Floor
New York, New York 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: ykopel@bursor.com

aleslie@bursor.com mroberts@bursor.com

Attorneys for Plaintiff

CC: All counsel of record (via ECF)